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BRANDYWINE REALTY TRUST,
PRENTISS PROPERTIES CHANGE IN CONTROL
SEVERANCE PLAN FOR KEY EMPLOYEES,
AND DANIEL CUSHING

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN SUTTON,

Plaintiff,

vs.

BRANDYWINE REALTY TRUST,
PRENTISS PROPERTIES TRUST
CHANGE IN CONTROL SEVERANCE
PROTECTION PLAN FOR KEY
EMPLOYEES, and DANIEL CUSHING,

Defendants.

Case No. C07-01109 CW

**ORDER AND STIPULATION FURTHER
CONTINUING EXPERT WITNESS
DISCLOSURE DEADLINE**

Plaintiff John Sutton ("Plaintiff") and Defendants Brandywine Realty Trust, Prentiss Properties Trust Change in Control Severance Protection Plan for Key Employees, and Daniel Cushing ("Defendants") (collectively, the "Parties"), by and through their respective counsel of record, file this Stipulation and Proposed Order to further Continue the April 14, 2008 deadline for the disclosure of the identities and reports of the Parties' expert witnesses and the May 1, 2008 discovery cut-off to complete expert depositions.

WHEREAS, on June 7, 2007, the Court entered a case management order setting April 1, 2008 as the deadline for the Parties to disclose the identities and reports of their respective expert witnesses, May 1, 2008 as the cut-off for completion of expert discovery, and June 10, 2008 as

1 the final pre-trial conference;

2 **WHEREAS**, on April 1, 2008, the Court granted the Parties' stipulation to extend the
3 April 1, 2008 deadline for expert disclosures to April 14, 2008, in light of the fact that it had not
4 yet ruled on Defendants' Motion for Summary Judgment, which ruling may have obviated the
5 need for the Parties to disclose one or more experts and incur the expense of expert witness
6 discovery;

7 **WHEREAS**, on April 4, 2008, the Court granted in part, and denied in part, Defendants'
8 Motion for Summary Judgment;

9 **WHEREAS**, this Court ordered the parties to conduct further evaluation, go to private
10 mediation, or attend a settlement conference within 30-days of its ruling on Defendants' Motion
11 for Summary Judgment;

12 **WHEREAS**, the Parties were scheduled to appear before Magistrate Judge Chen for a
13 settlement conference on April 24, 2008 but due to the unavailability of a representative of
14 Defendant Brandywine Realty Trusts' insurance carrier, the settlement conference has been
15 continued to May 5, 2008, the earliest date that is available to all parties and the Magistrate;

16 **WHEREAS**, given the June 10, 2008 final pretrial conference and pursuant to this
17 Court's standing order for pretrial preparation, the parties currently must exchange pretrial
18 materials (including, but not limited to, exhibits, motions in limine, deposition designations and
19 other discovery excerpts) by May 9, 2008; meet and confer with respect to the preparation of the
20 joint pretrial conference statement by May 21, 2008; and file (among other things) their joint
21 pretrial conference statement by May 30, 2008;

22 **WHEREAS**, to avoid the expense and burden of expert disclosures and discovery as well
23 as the expenditure of resources on the pretrial exchange, all of which may be obviated by the
24 Parties' upcoming Settlement Conference, and without impacting the due date for the Parties joint
25 pretrial conference statement, the final pretrial conference, and trial, the Parties stipulate to extend
26 only the deadlines for the Parties to exchange expert witness disclosures, complete expert
27 discovery, and exchange pretrial materials as follows:

Litigation Event	June 7, 2007 Case Management Order and Standing Order for Pretrial Preparation	April 1, 2008 Order	Proposed New Date
Expert Disclosures	April 1, 2008	April 14, 2008	May 12, 2008
Expert Discovery Cut-off	May 1, 2008	No Change	May 16, 2008
Pretrial material exchange	May 9, 2008	No Change	May 19, 2008

GOOD CAUSE EXISTS to continue the expert witness disclosure, expert discovery cut-off, and pretrial material exchange dates, as set forth herein.

IT IS SO STIPULATED.

DATED: April 8, 2008

BUTY & CURLIANO LLP

By: /s/ (with permission)

JASON CURLIANO
Attorneys for Plaintiff:
JOHN SUTTON

DATED: April 8, 2008

MORGAN, LEWIS & BOCKIUS LLP

By: /s/

MELINDA S. RIECHERT
Attorneys for Defendants:
BRANDYWINE REALTY TRUST, PRENTISS
PROPERTIES CHANGE IN CONTROL
SEVERANCE PLAN FOR KEY EMPLOYEES,
AND, DANIEL CUSHING

ORDER

The Court, having considered the Stipulation and [Proposed] Order between Plaintiff and Defendants, approves said Stipulation per the terms contained therein.

IT IS SO ORDERED

4/14/08

DATED: _____



HONORABLE CLAUDIA WILKEN